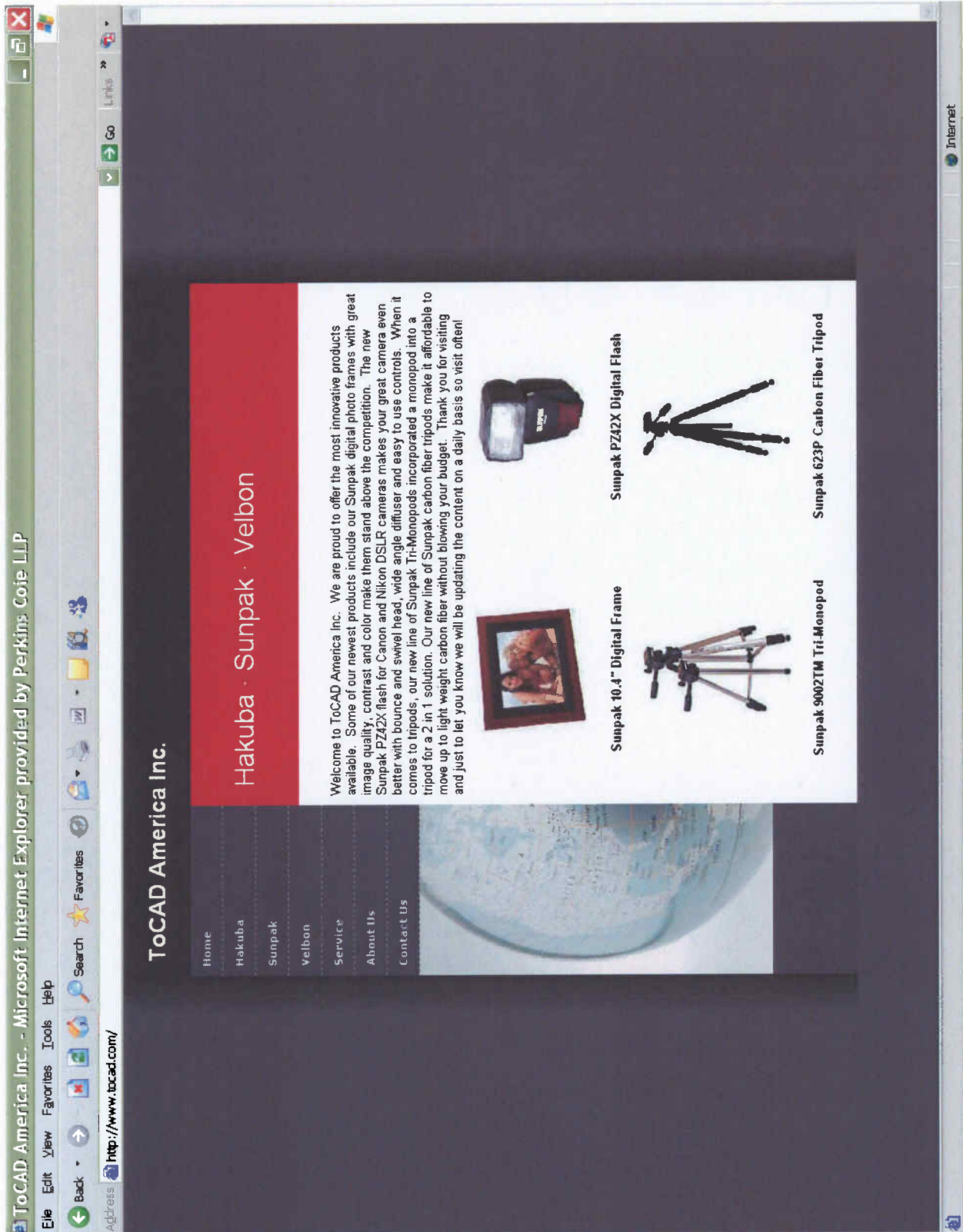
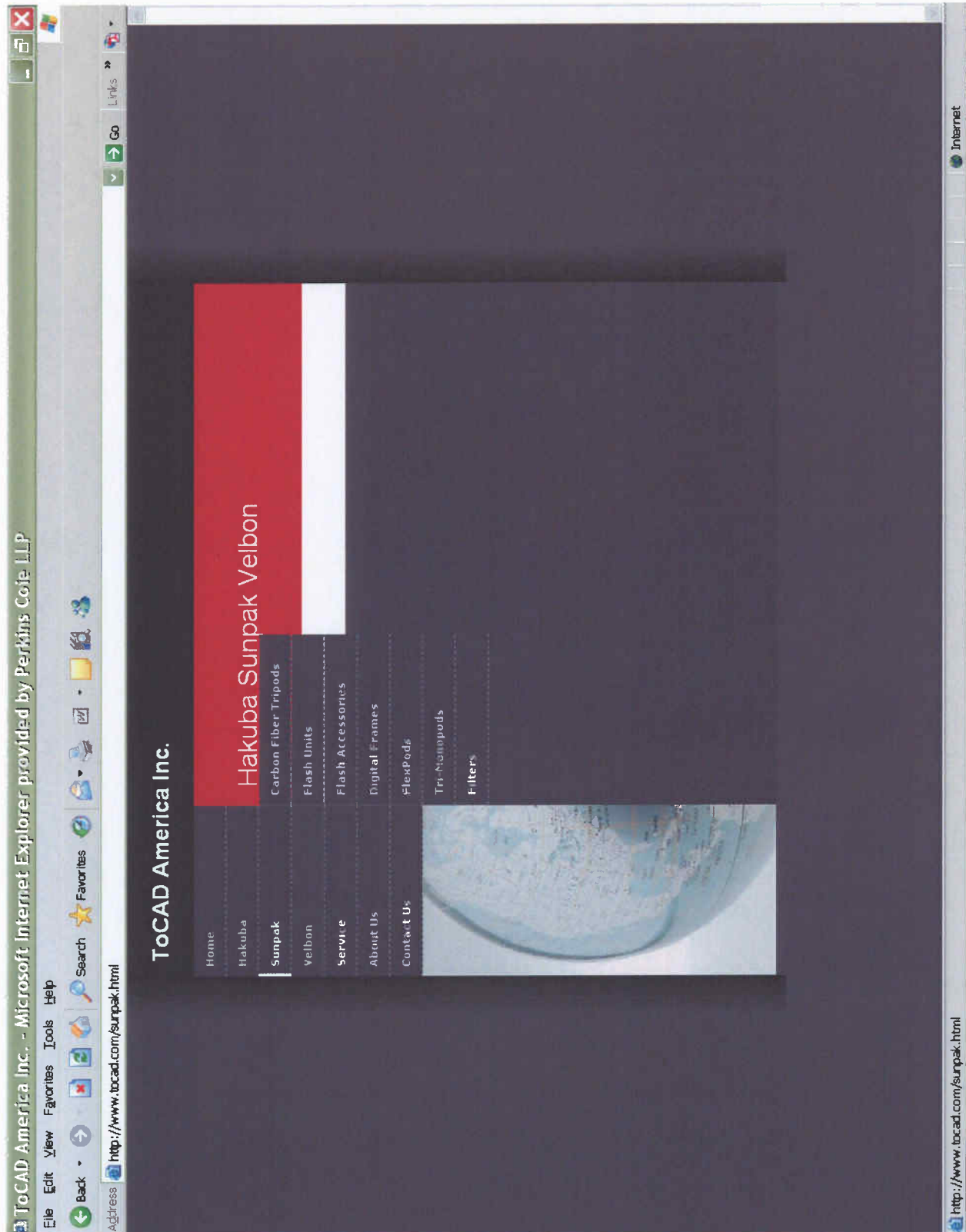


# EXHIBIT Q





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Address: http://www.tocad.com/sunpak/carbonfibertripods.html

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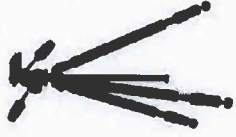
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Hakuba · Sunpak · Velbon

**Sunpak Carbon Fiber Tripods**

**PRO 523P Carbon Fiber Tripod with Panhead**



**Features**

- Lightweight carbon fiber constructed legs
- Designed for the latest DSLR cameras and camcorders
- Removable 3-way photo/video panhead with quick release plate with video indexing pin
- Reversible 1/4" x 20 / 3/8" threaded screw
- Built-in bubble level
- Neoprene leg wraps
- 3-position leg angle locks for low angle photography
- Second short center column for low level photography
- Retractable leg spikes
- Limited lifetime warranty

**Specifications**

- Weight: 4.1 lb
- Load capacity: 6.1 lb
- Maximum height (center column retracted): 51 in
- Maximum height (center column extended): 63 in
- Minimum height: 13.5 in
- Folded length: 24 in
- Leg sections: 3
- Leg diameter: .87 in

Microsoft Internet Explorer provided by Perkins Cole LLP

Address: <http://www.tocad.com/sunpak/flashunits.html>


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# ToCAD America Inc.

## Hakuba · Sunpak · Velbon

### Sunpak Flash Units

#### PF20XD Flash for Digital and Film Cameras



**Features**

- Designed for digital and film cameras with or without a hot shoe
- Compatible with all camera exposure modes
- Super-compact, lightweight design
- Built-in slave
- Pre-flash cancellation
- Auto mode with 3 f/stops
- Manual mode with 5 settings
- Built-in wide angle diffuser
- Pro black finish

**Specifications**

- Power: 2-AA Alkaline, NiMH or NiCd batteries
- Number of flashes: approx. 70 at full manual (Alkaline batteries)
- Auto effective range: 2.3 feet to 23 feet
- Flash speed: 1/2000 - 1/30,000 second
- Power ratio: 5 steps (Full, 1/4, 1/8, 1/16, 1/32)
- Dimensions: 3.3" high x 1.1" wide x 1.2" deep



Microsoft Internet Explorer - ToCAD America Inc., - Microsoft Internet Explorer, provided by Perkins Coie LLP

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Address http://www.tocad.com/sunpak/flashaccessories.html

Internet 2:01 PM

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**Hakuba · Sunpak · Velbon**

## Sunpak Flash Accessories

### TR-2000 Battery Power Pack



**Features**

- Universal compatibility allows you to power a wide variety of flash units
- Works with Sunpak, Canon and Nikon flash units
- Interchangeable battery clusters make it easy and fast
- Separate High and Low voltage output ports
- Features a 5 level "On Demand" LED power indicator at the touch of the button
- LED status indicator keeps you informed on the current status of your power pack
- Built in belt clip for hands free use
- Comes with removable shoulder strap

**Specifications**

- High voltage output (regulated): 320vdc
- Low voltage output (regulated): 5.5vdc
- High voltage connector socket: 7-pin DIN connector
- Low voltage connector socket: RCA connector
- Charging time : 5 hours via built-in circuitry powered by included external 110vac charger
- Weight with Ni-CD cluster: 24 oz
- Dimensions: 6" (H) x 4.75" (W) x 2.5" (D)
- Accessories: AC adapter, belt clip and shoulder strap

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 Address: <http://www.tocad.com/sunpak/digitalframes.html>  
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[Sunpak](#)  
[Velbon](#)  
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**Hakuba · Sunpak · Velbon**

**Sunpak Digital Frames**

**5.6" Clear Acrylic and White Frame**



**Features**

- 5.6" TFT-LCD display
- Beautiful white acrylic frame
- Display photos or videos without a computer using the memory card from your camera
- Works with SD, MMC and MS types of popular memory cards and USB Flash Drives
- Easy to use remote control operation with on screen menus
- Variable image display intervals in slideshow mode with programmable transitions
- Display JPEG images, MPEG movies, MP3 music files and slideshows with MP3 music
- Built-in stereo speakers for great sound when viewing movies or listening to MP3 files
- Adjustable brightness, contrast, hue, saturation and sharpness for customizing to any room
- Multi-language menus

**Screen**

- Size: 5.6" TFT-LCD
- Aspect ratio: 4:3
- Screen resolution: 320 x 240
- Brightness: 350cd/m2
- Contrast ratio: 300:1
- Horizontal viewing angle (degrees): 70
- Vertical viewing angle (degrees): 70

Compatible Memory Cards

Microsoft Internet Explorer provided by Perkins Coie LLP

Address: <http://www.tocad.com/sunpak/flexpods.html>

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**Hakuba · Sunpak · Velbon**

**Sunpak FlexPods**

**FlexPod Plus**



**Features**

- The gripping tripod that is lightweight, flexible and compact
- Bend it, stretch it, wrap it around almost anything
- Perfect companion for compact digital cameras
- Aluminum core legs for added support and gripping ability
- Multi-directional ballhead and quick release plate for super-fast setup
- Perfect for outdoor photography
- Can be used as a tabletop tripod
- Available in three colors: black and white, blue and light blue and gray with light blue leg rings
- One year limited warranty

**Specifications**

- Weight: Less than 4 oz
- Load capacity: 16 oz\*
- Head type: Ballhead
- Quick release: Double lock
- Warranty: One year limited



Microsoft Internet Explorer provided by Perkins Coie LLP

Address: <http://www.tocad.com/sunpak/trimonopods.html>

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**Sunpak Tri-Monopods**

**6601TM Tri-Monopod**

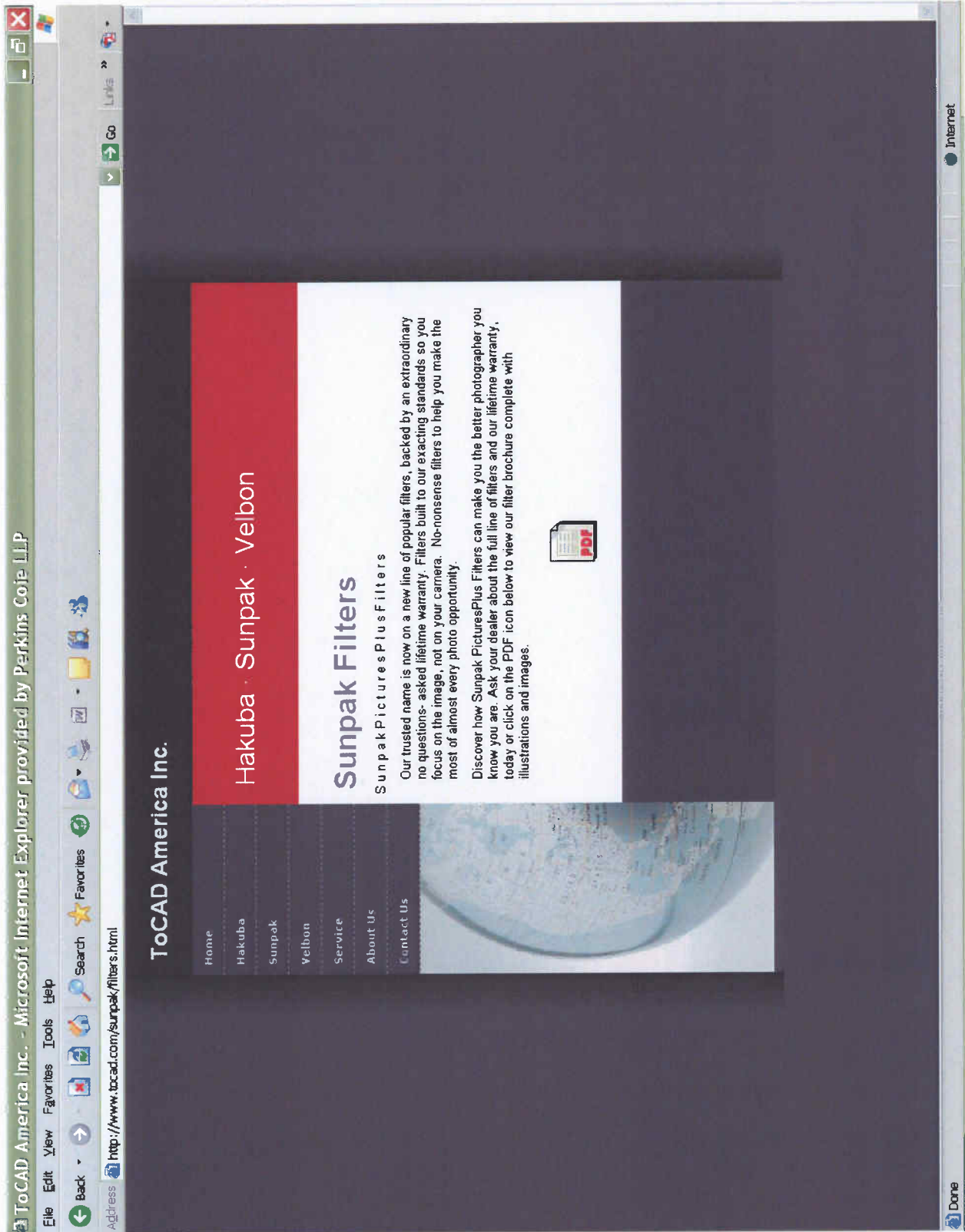


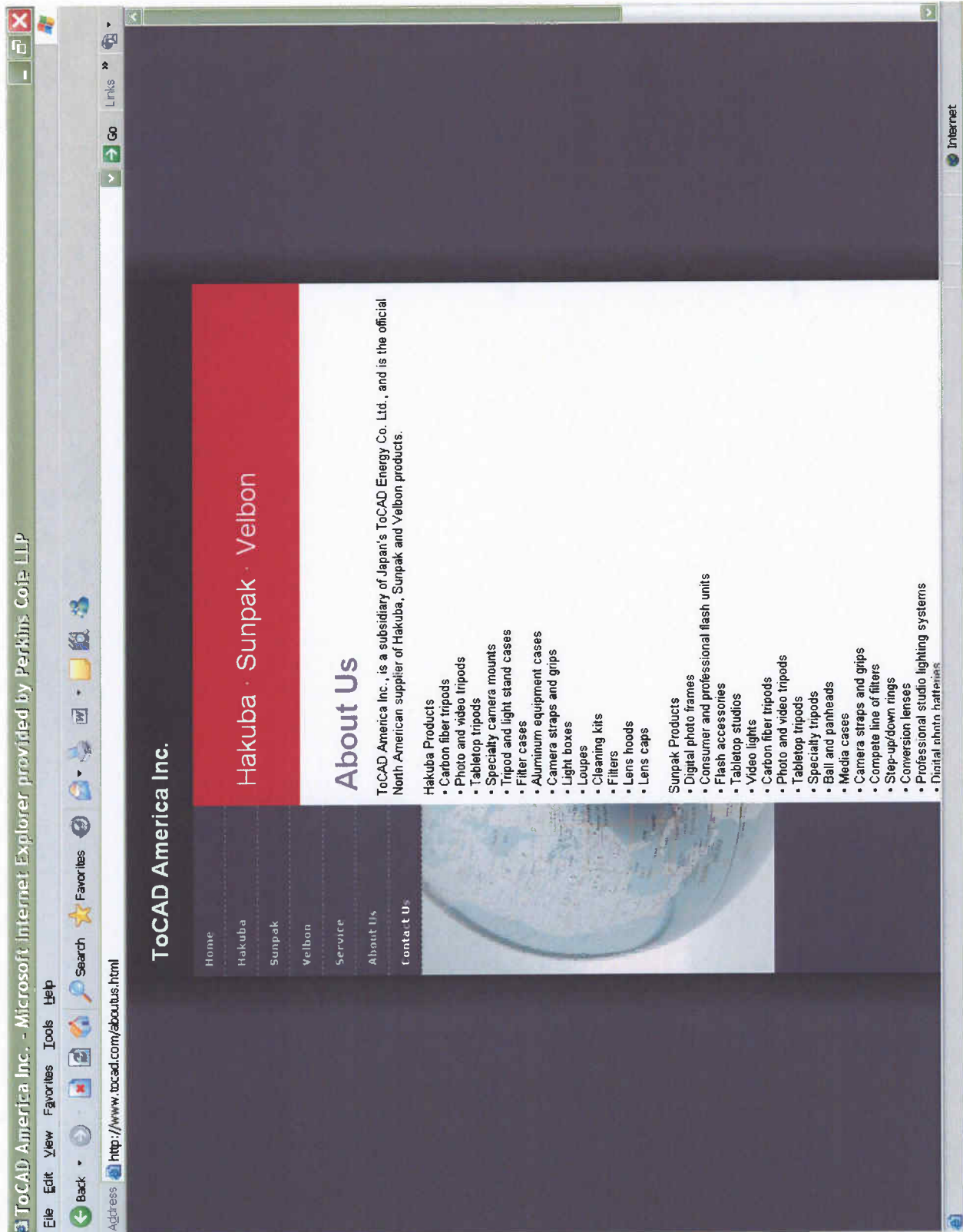
**Features**

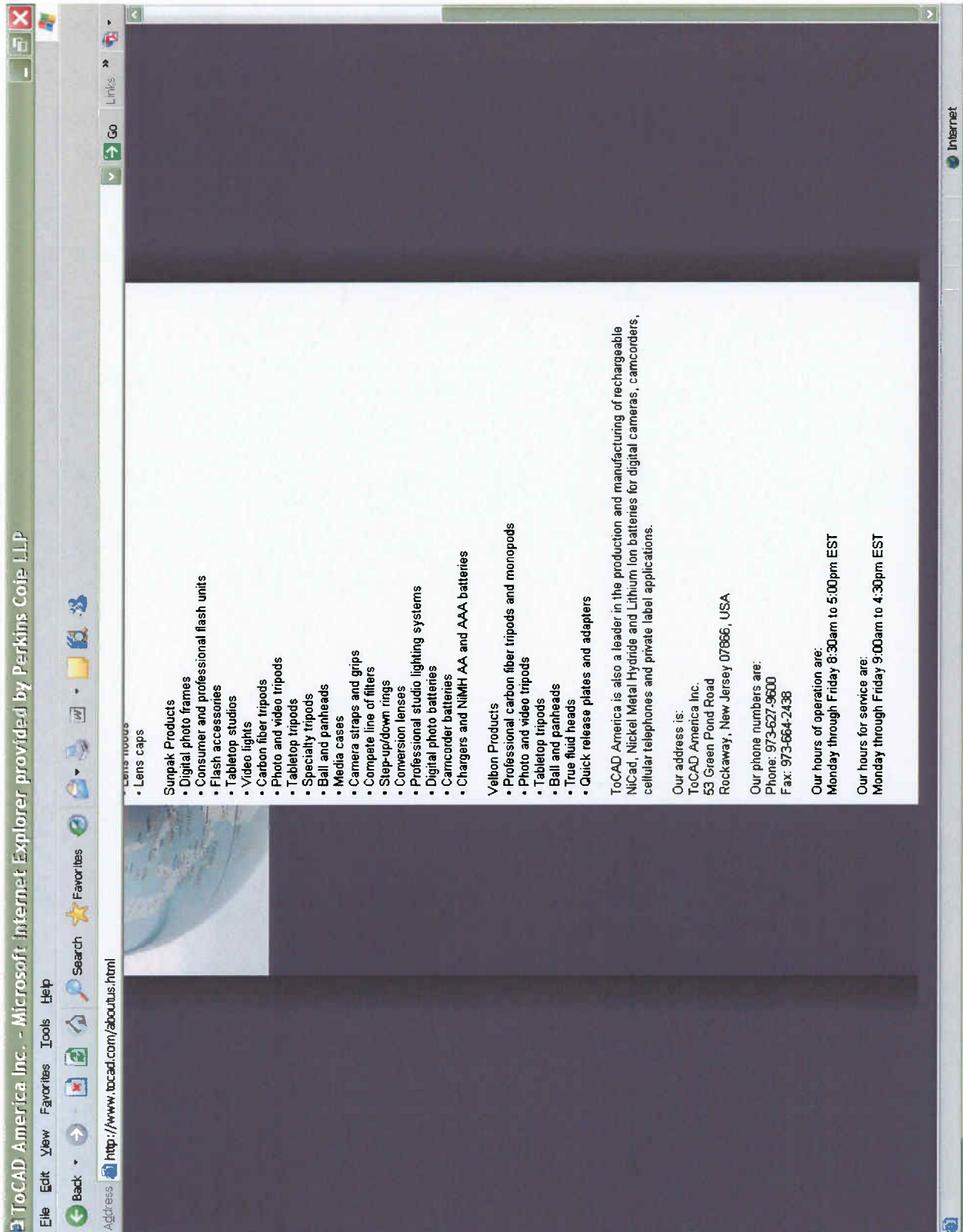
- Designed for today's latest DSLR cameras
- Converts from a full size tripod to a monopod in seconds
- 3-way fluid-effect pan head with quick release plate
- Built-in bubble level
- Leg braces with locking collar for added stability
- Flip lock leg locks with D-shaped legs for enhanced support
- 1/4"-20 threaded screw at the bottom of the center column tube
- Retractable leg spikes
- Free second quick release plate
- Limited lifetime warranty

**Specifications**

- Weight: 3 lb
- Load capacity: 4.4 lb
- Maximum height (Tripod Mode): 58 in
- Minimum height (Tripod Mode): 21.65 in
- Maximum height (Monopod Mode): 61.4 in
- Minimum height (Monopod Mode): 15.75 in
- Leg sections (Tripod): 3
- Leg sections (Monopod): 5







# EXHIBIT R



**MANUAL FILING NOTIFICATION**

Regarding: DECLARATION OF BRANDY R. MCMILLION IN SUPPORT OF  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

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**THIS EXHIBIT WAS NOT EFILED BECAUSE IT IS PROVISIONALLY UNDER SEAL.**

# EXHIBIT S

**FENWICK & WEST LLP**

SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041

TEL 650.988.8500 FAX 650.938.5200 WWW.FENWICK.COM

December 21, 2007

VIRGINIA K. DEMARCHI

EMAIL VDEMARCHI@FENWICK.COM  
DIRECT DIAL (650) 335-7967

**VIA U.S. MAIL AND FACSIMILE**

(312-324-9400)

Michael O. Warnecke  
Perkins Coie  
131 S. Dearborn Street, Suite 1700  
Chicago, IL 60603-5559

Re: Joby Gorillapod

Dear Mr. Warnecke,

We decline to respond to the gratuitous posturing and general incivility in your letters of October 4, 2007. We instead write to put Tocad on notice that Joby's patent Application No. 20070212163 has been published. As with Joby's other published patent application of which Tocad is already on notice, any continued use, sale, offer for sale, making, or importation of Tocad's knock-off products risks potential liability for a royalty up through the time of the patent's issuance. *See* 35 U.S.C. § 154.

We disagree with your position that because Joby's present patent claims have not been approved, its provisional rights notice is somehow ineffective. Over the course of prosecuting any patent, various claims are rejected then amended and accepted. That does not make the published application – or formal notice thereof – any less valid or effective with respect to Joby's rights or Tocad's liability for its actions. The provisional notice will be effective as long as at least one claim that issues is substantially similar to material in the published application, and as you know, multiple published applications are pending.

Please also note that Joby is presently pursuing design patent applications. At the appropriate juncture, we will provide more information on them.

Moreover, Tocad's posturing with respect to the status of Joby's patent applications does not absolve Tocad of its accruing liability for trade dress infringement and false advertising. As you are aware, trade dress protects non-functional aspects of a product and can "include features such as size, shape, color or color combinations, texture, graphics, or even particular sales techniques." *See, e.g. Two Pesos v. Taco Cabana*, 505 U.S. 763, 764 n.1 (1992). In evaluating trade dress infringement, among other things, a court considers the likelihood of confusion.

Michael O. Warnecke  
December 21, 2007  
Page 2

Joby's trade dress is highly distinctive. In fact, your client and its distributors have traded on the distinctiveness of the trade dress in the marketing collateral used to promote Tocad's knock-offs. Tocad's protestations notwithstanding, it is apparent from the images themselves that the product depicted in the marketing collateral used to promote Tocad's knock-offs is, in fact, a Joby Gorillapod. As for the likelihood of confusion, the Tocad knock-offs employ trade dress that is nearly identical to Joby's. The trade dress is used with the same products, which are sold through similar trade channels. Customers have been, and will continue to be, confused.

We understand, and appreciate, that your client is moving towards a new design of its product (*i.e.*, the FlexPod Plus) in an apparent effort to design around Joby's pending patent claims. However, the changes Tocad may have made or may make to its product to avoid patent infringement do not absolve Tocad of the accruing trade dress and false advertising liability with respect to the FlexPod and FlexPod Plus, both of which copy Gorillapod's look and both of which are advertised and promoted in a way that trades on the association of that design with Joby's product.

We must insist that Tocad immediately cease using the Gorillapod's distinctive design and cease all sales, offers for sale, making, and/or importation of the knock-offs of Joby's Gorillapod product. We enclose as a courtesy a copy of the complaint we have filed, but not yet served, against Tocad. We would prefer to resolve this dispute amicably and without resort to litigation. If your client will agree to make meaningful changes to the FlexPod trade dress and advertising, please advise at your earliest convenience.

Sincerely,

  
Virginia K. DeMarchi

Enclosure

cc: Sam Raha, Joby CEO

**FENWICK & WEST LLP**

SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041  
TEL 650.988.8500 FAX 650.938.5200 WWW.FENWICK.COM

May 22, 2008

VIRGINIA K. DEMARCHI

EMAIL VDEMARCHI@FENWICK.COM  
DIRECT DIAL (650) 335-7967

**VIA U.S. MAIL**

Michael Worswick, President  
Photographic Research Organization, Inc.  
360 Tunxis Hill Road  
Fairfield, CT 06825

Re: *Joby Gorillapod*

Dear Mr. Worswick:

As you know, we represent Joby, Inc. In prior correspondence with your company, Joby has demanded that PRO cease all distribution, sale and advertising of the "Promaster Robopod" tripod, which is a knock-off of Joby's Gorillapod®. PRO has not responded to these demands and continues to offer the Promaster Robopod in violation of Joby's intellectual property rights.

We have previously given notice that one of Joby's utility patent applications has been published by the U.S. Patent and Trademark Office (*see* application no. 11/324,994; publication no. 20070154254). Please consider this formal notice that another of Joby's utility patent applications has also been published (*see* application no. 11/801,234; publication no. 20070212163). PRO's continued use, sale, offer for sale, making, or importation of the Promaster Robopod subject PRO to the risk of potential liability for royalties up through the time of the patent's issuance. *See* 35 U.S.C. § 154(d).

Please be advised that Joby has recently taken legal action in federal court against Tocad America, Inc. for trade dress infringement, unfair competition and false advertising. In that action, Joby filed a motion seeking a preliminary injunction against Tocad's continued distribution and sale of its existing FlexPod and FlexPod Plus camera supports. Tocad did not file an opposition to Joby's motion, but instead entered into a stipulation in which it agreed to stop selling its existing FlexPod and FlexPod Plus camera supports. A copy of this stipulation is enclosed. Other knock-off distributors have agreed to stop distributing and selling without the need for legal action. We hope and expect that PRO will do the same.

We would appreciate receiving PRO's response to Joby's demands no later than **June 2, 2008**. Should PRO fail to respond, Joby will avail itself of other options for protecting its intellectual property rights, including without limitation the commencement of legal action seeking damages for PRO's sales of the Promaster Robopod.

**JOBY000558**

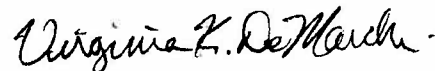


Michael Worswick, President  
Photographic Research Organization, Inc.  
May 22, 2008  
Page 2

If you have any questions, please contact me directly at (650) 335-7967.

Sincerely,

FENWICK & WEST LLP

A handwritten signature in black ink, reading "Virginia K. DeMarchi". The signature is written in a cursive, flowing style.

Virginia K. DeMarchi

Enclosure

25933/00400/LIT/1285595.1

JOBY000559

1 CHARLENE M. MORROW (CSB NO. 136411)

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5 Telephone: (650) 988-8500

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6 Attorneys for Plaintiff

7 JOBY, INC.

8 MICHAEL O. WARNECKE (IL Bar No. 2942291)

mwarnecke@perkinscoie.com

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12 Facsimile: (312) 324-9587

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14 PERKINS COIE LLP

Four Embarcadero Center, Suite 2400

15 San Francisco, CA 94111-4131

Telephone: (415) 344-7021

16 Facsimile: (415) 344-7221

17 Attorneys for Defendant

18 TOCAD AMERICA, INC.

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 SAN FRANCISCO DIVISION

23 JOBY, INC.,

24 Plaintiff,

25 v.

26 TOCAD AMERICA, INC.,

27 Defendant.

Case No. 3:07-CV-06455 (SI)

**STIPULATION RE JOBY, INC.'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

28 STIPULATION RE JOBY'S MOTION FOR PRELIMINARY INJUNCTION  
CASE NO. 3:07-CV-06455 (SI)

1

**JOBY000560**

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

1 On March 28, 2008, plaintiff Joby, Inc. ("Joby") filed a motion for a preliminary  
 2 injunction against defendant Tocad America, Inc. ("Tocad"). The motion is currently set for  
 3 hearing on May 30, 2008.

4 The parties have negotiated a resolution of Joby's request for injunctive relief regarding  
 5 Tocad's FlexPod and FlexPod Plus products existing in the marketplace as of the date of this  
 6 Stipulation.

7 Accordingly, pursuant to Civil L.R. 7-12, THE PARTIES HEREBY STIPULATE AS  
 8 FOLLOWS:

9 1. Tocad will not create, produce, distribute, ship, import, sell, advertise, market or  
 10 promote its existing FlexPod line of camera support products (including those sold under other  
 11 brand names) after May 30, 2008.

12 2. Tocad will not create, produce, ship or import its existing FlexPod Plus line of  
 13 camera support products (including those sold under other brand names) after May 30, 2008.

14 3. Tocad will not distribute, sell, advertise, market or promote its existing FlexPod  
 15 Plus line of camera support products (including those sold under other brand names) after July 15,  
 16 2008.

17 4. In reliance on the foregoing, Joby stipulates that its motion for preliminary  
 18 injunction no longer requires decision by the Court and may be taken off the hearing calendar.

19  
 20 Dated: May 6, 2008

FENWICK & WEST LLP

21  
 22 By: /s/Virginia K. DeMarchi  
 23 Virginia K. DeMarchi

24 Attorneys for Plaintiff  
 25 JOBY, INC.

26 ///

27 ///

28 ///

///

1 Dated: May 6, 2008

PERKINS COIE LLP

2  
3 By: /s/Debra R. Bernard  
4 Debra R. Bernard

5 Attorneys for Defendant  
6 TOCAD AMERICA, INC.

7  
8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9  
10 Dated: \_\_\_\_\_, 2008

11  
12 By: \_\_\_\_\_



13 The Honorable Susan Illston  
14 United States District Court Judge

15 ATTESTATION

16 I, Virginia K. DeMarchi, attest that concurrence in the filing of this document has been  
17 obtained from Debra R. Bernard, counsel for defendant Tocad America, Inc.

18 I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th  
19 day of May, 2008 in Mountain View, California.

20  
21 /s/ Virginia K. DeMarchi  
22 Virginia K. DeMarchi

# EXHIBIT T



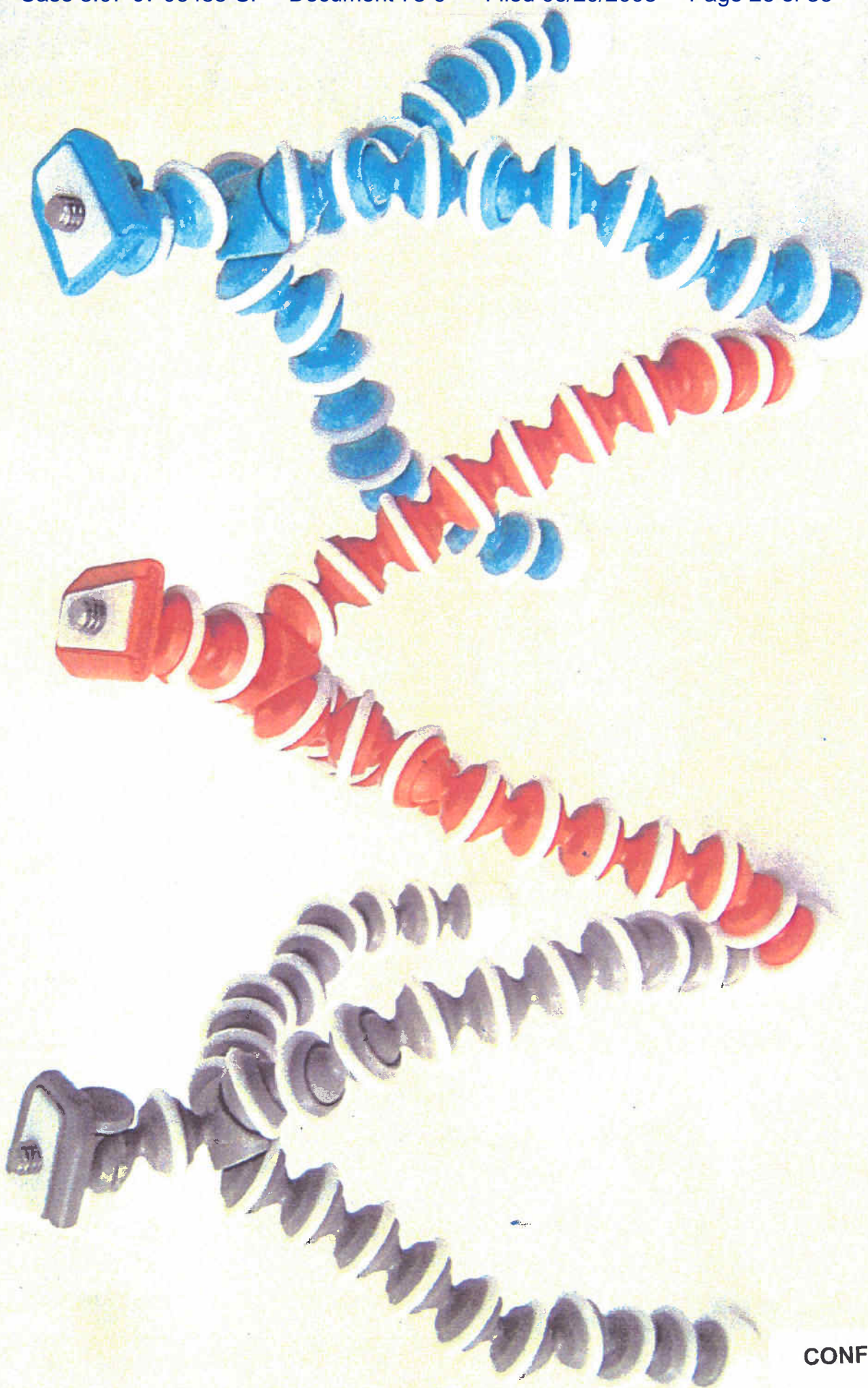
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# EXHIBIT U



**CONFIDENTIAL**

**TOC 00156**

# EXHIBIT V

# JOBY gorillapod

Get the perfect picture!



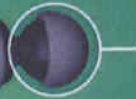
**LOCK RING**  
enables extra security  
to ensure your camera  
is safely attached

**SLIM-LINE ATTACHMENT**

stays connected to your camera  
for nearly instant setup



**FLEXIBLE JOINTS**  
bend and rotate 360° to  
form the perfect shape



**RING & FOOT GRIPS**  
provide extra gripping  
power to most surfaces



# EXHIBIT W

# JOBY<sup>®</sup> gorillapod<sup>®</sup>

The **Joby Gorillapod**<sup>®</sup> is a bendable, flexible tripod that secures your camera to nearly any surface. Its legs bend and rotate 360 degrees, while its rubbery feet provide extra gripping power. You can wrap the Gorillapod around a tree branch, hang it from a railing, or perch it on a rock during your next hiking trip. The possibilities are endless!

*The Gorillapod is the lightest and most versatile tripod available—the ideal accessory for photographers on the go. Slip it in your pocket or gear bag and you'll be ready for action!*

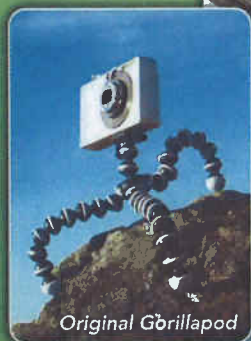
**Now  
Available  
in SIX  
Colors!**

**THE  
ORIGINAL**

[www.joby.com](http://www.joby.com)

# JOBY™ gorillapod

The **Joby Gorillapod™** is a bendable, flexible tripod that secures your camera to nearly any surface. Its legs bend and rotate 360 degrees, while its rubbery feet provide extra gripping power. You can wrap the Gorillapod around a tree branch, hang it from a railing, or perch it on a rock during your next hiking trip. The possibilities are endless!



**Now  
Available  
in 3 Sizes!**



*The Gorillapod is the lightest and most versatile tripod available—the ideal accessory for photographers on the go. Slip it in your pocket or gear bag and you'll be ready for action!*

## Which Gorillapod is right for you?



### ORIGINAL GORILLAPOD

Capacity: Compact digital cameras  
Max Weight: 275g (9.7 oz)  
Camera Interface: Universal 1/4-20 screw  
Size: 150 x 30 x 30mm (5.9 x 1.2 x 1.2")  
Weight: 45g (1.6 oz)



**Available accessories:**  
Suction Cup- A handy mount that holds most mobile phones and portable media devices.  
Extra Clips- Leave one on each of your cameras for quick changes.



### GORILLAPOD SLR

Capacity: SLR-type cameras and Video camcorders  
Max Weight: 800g (1.75 lbs)  
Camera Interface: Universal 1/4-20 screw  
Size: 250 x 50 x 50mm (9.8 x 2 x 2")  
Weight: 165g (5.8 oz)



**Available accessories:**  
Flash Clip- Attaches to your remote flash unit to provide great lighting anywhere.  
Extra Clips- Leave one on each of your cameras for quick changes.



### GORILLAPOD SLR-ZOOM

Capacity: Tripod mountable cameras and professional tripod heads  
Max Weight: 3000g (6.6 lbs)  
Camera Interface: Universal 1/4-20 or 3/8-16 screw  
Size: 230 x 60 x 60mm (9.8 x 2.4 x 2.4")  
Weight: 190g (6.7 oz)

**JOBY** 1535 Mission Street  
San Francisco, CA 94103 USA  
+1.888.569.JOBY (5629)

**JOBY™**  
www.joby.com



Joby is dedicated to the environment and we donate 1% of our sales to the preservation of the planet.

In an effort to preserve resources, many Joby products are available with or without retail packaging.



# JOBY<sup>®</sup> gorillapod<sup>®</sup>

The **Joby Gorillapod<sup>®</sup>** is a bendable, flexible tripod that secures your camera to nearly any surface. Its legs bend and rotate 360 degrees, while its rubbery feet provide extra gripping power. You can wrap the Gorillapod around a tree branch, hang it from a railing, or perch it on a rock during your next hiking trip. The possibilities are endless!

*The Gorillapod is the lightest and most versatile tripod available—the ideal accessory for photographers on the go. Slip it in your pocket or gear bag and you'll be ready for action!*

**Now  
Available  
in SIX  
Colors!**

*"Where will  
**YOU**  
use your  
Gorillapod?"*

**THE  
ORIGINAL**

[www.joby.com](http://www.joby.com)

JOBY 000078

# EXHIBIT X



## Consumer Products Packaging



Camera Accessories



Cameras



Audio Accessories



Cell Phone Accessories



Batteries



Audio Accessories



Video Game Accessories



# EXHIBIT Y

**MANUAL FILING NOTIFICATION**

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